

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

HARVEST DEVELOPMENT, LLC

PLAINTIFF

v.

Case No. 1:21-cv-1061

PIRANHA HOSE PRODUCTS, INC.

DEFENDANTS

ORDER

Before the Court is Defendant's Motion to Transfer. ECF No. 12. Defendant moves the Court to transfer this case to the United States District Court for the Northern District of Illinois. Plaintiff has not responded to the motion, and the time for response has passed. This matter is ripe for the Court's consideration.

Plaintiff asserts claims against Defendant for breach of contract and unjust enrichment. Plaintiff alleges that the parties entered into a License and Royalty Agreement ("Agreement") in 2007 and that Defendant breached the Agreement by failing to pay certain royalties to Plaintiff. The Agreement contains a forum selection clause mandating that all disputes between the parties regarding the interpretation or enforcement of the Agreement be brought only in a state or federal court located in Cook County, Illinois. ECF No. 10-3.

"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). "Forum selection clauses are prima facie valid and are enforced unless they are unjust or unreasonable or invalid for reasons such as fraud or overreaching." *Union Elec. Co. v. Energy Ins. Mut. Ltd.*, 689 F.3d 968, 973 (8th Cir. 2012) (quoting *M.B. Rests., Inc. v. CKE Rests., Inc.*, 183 F.3d 750, 752 (8th Cir. 1999)).

In the present case, the parties agreed by contract to bring suit only in a state or federal court located in Cook County, Illinois. Plaintiff makes no argument against transferring this case

to the United States District Court for the Northern District of Illinois.

Accordingly, the Court finds that Defendant's Motion to Transfer (ECF No. 12) should be and hereby is **GRANTED**. The Clerk of Court shall immediately transfer this case pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Northern District of Illinois (Eastern Division).

IT IS SO ORDERED, this 3rd day of March, 2022.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge